

*APR 16*  
47.(New) The rack container of claim *46* wherein said dunnage structure is movably coupled to said rail element.

**REMARKS**

Claims 30-39 are pending. Claims 30-35 and 38-39 are rejected, and claims 36 and 37 were objected to. Applicants would like to thank the Examiner for the indication of the allowable subject matter in claims 36 and 37. The Applicants have also noted renumbering of the new claims 40 and 41 as claims 38 and 39. Applicants have also assumed in the present response, that the dependency of claim 39 has been made to claim 38, rather than to claim 40. If that is not the case, Applicants respectfully request the Examiner to make such a change in an Examiner's amendment.

Claims 30-35 and 38-39 are rejected under Section 102(b) over the reference of Janus et al. Although Applicants disagree with the Examiner's reference to Janus's teaching of dunnage structures which are movable on the frame and the way in which such a limitation is claimed and taught in the present application, Applicants have amended the claims to address the allowable subject matter and has added new claims, also to address the allowable subject matter.

Specifically, claim 30 has been amended to include the limitation wherein the legs of the frame are hinged along their respective lengths for being folded into the collapsed position. Therefore, claim 30 is now allowable over the cited art. Claims 36 and 37 have been cancelled. The remaining dependent claims 31-35 and 38-39 are also allowable as depending from allowable claim 30.

New claims 40-47 are added to rewrite claim 37 in independent form. Specifically, new claim 40 recites a reusable and returnable rack container including the limitation wherein the frame legs comprise telescoping sections operable to telescope the length of the leg between the erected and collapsed positions. Accordingly, claim 40 is in an allowable form.

Claims 41-47 are similar in their dependent recitations to claims 31-35 and 38-39, except they now depend from independent claim 40, rather than independent claim 30. Accordingly, claims 40-47 are also in an allowable form.

Applicants respectfully request an indication of the allowability of the case at the Examiner's earliest convenience. If any other issues remain in the case, such as issues which might be handled in an expedited fashion through an Examiner's amendment, the Examiner is certainly encouraged to telephone the Undersigned to address such issues and/or such an amendment.

If any further charges or credits are necessary in this case, please apply them to Deposit Account 23-3000.

Respectfully submitted



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